

## **GENERAL PERMIT FOR IMPOUNDMENT OF INTERMITTENT STREAMS**

This general permit allows construction of a dam and impoundment of up to 500 feet of intermittent stream channel. In the case of this general permit, intermittent streams are defined as natural or man made watercourses that cease to flow for sustained periods during a normal rainfall year. Intermittent streams typically cease flow during the later summer through the fall months, although some may exhibit no flow in the channel during wetter months.

### **Exclusions**

This general permit cannot be used to authorize work in the following circumstances:

- (a) where wetlands will be adversely affected by the proposed work;
- (b) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;
- (c) where the activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;
- (d) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or
- (e) when an individual permit is required.

Dam construction activities not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

### **Notification**

Persons shall apply for coverage to the Division by submission of an original, signed notification that includes the following minimum information:

- (a) a map showing the exact location of the proposed work, and
- (b) a single copy of construction plans or drawings which includes all dimensions and specifications for the proposed work.

Work shall not commence until the applicant has been notified that the activity may proceed under the general permit.

### **General Terms and Conditions**

- 1) Prior authorization must be obtained, when necessary, by the applicant pursuant to applicable provisions of §404 of the *Clean Water Act* and §26a of *The Tennessee Valley Authority Act*.
- 2) The work may only be commenced where there is no flow in the channel and where sustained flow is not likely to recur during the period of construction. Work may only commence during seasonally dry periods in the case of intermittent streams that exhibit seasonal flow, or regardless of season in the case of channels that flow only periodically.
- 3) Provision must be made for the conveyance of water through the watercourse during construction, utilizing the original channel or lined diversion channels, etc., to prevent pollution of the stormwater runoff through the watercourse.

- 4) Erosion and sediment control measures are required where soil will be disturbed. The control measures must be in place before earthmoving operations begin, maintained throughout the construction period and repaired, if necessary, after rainfall. Control measures such as straw bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along the waterbody in cleared areas to prevent movement of sediments into the waters. They must be installed parallel to the waterbody, entrenched and staked, and extend the width of the area to be cleared.
- 5) Check dams shall be utilized where runoff is concentrated. Clean rock, log, sandbag, or straw bale check dams shall be properly constructed to detain runoff and trap sediment. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants.
- 6) All materials to be discharged or placed within the waterway below the ordinary high water level must be free of pollutants, contaminants, toxic materials, trash, creosote treated timbers, or other wastes as defined by T.C.A. 69-3-103(18).
- 7) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.
- 8) Slurry water pumped from work areas and excavations must be held in settling basins or treated by filtration prior to its discharge into surface waters. Water must be held in settling basins until at least as clear as the receiving waters. Settling basins shall not be located closer than 20 feet from the top bank of a stream. Settling basins and traps shall be properly designed according to the size of the drainage areas or volume of water to be treated.
- 9) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.
- 10) Upon achievement of final grade, the disturbed streambank shall be stabilized with riprap or other suitable material. All other disturbed soils must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

Effective Date                      July 1, 2000

Expiration Date                    June 30, 2005

APPROVED: \_\_\_\_\_

Paul Davis, Director